

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA  
AT HARRISBURG**

LOWER SUSQUEHANNA  
RIVERKEEPER ASSOCIATION,

Plaintiff,

v.

REPUBLIC SERVICES OF  
PENNSYLVANIA, LLC,

Defendant.

Civil Action No. 1:23-CV-00044-JPW

**MOTION FOR SUMMARY JUDGMENT**

Defendant Republic Services of Pennsylvania, LLC, (“Republic”) by and through its counsel hereby moves the Court for summary judgment under Federal Rule of Civil Procedure 56 and Local Rules 7.4 through 7.7 and 56.1. The reasons in support of Defendant’s Motion are fully set forth in the Memorandum of Law being filed contemporaneously with this Motion.

1. Plaintiff Lower Susquehanna Riverkeeper Association (“LSRA”) failed to establish constitutional standing of its proffered members.
2. The Consent Order and Agreement between Republic and PADEP fully addressed Republic’s exceedances of boron and osmotic pressure and therefore LSRA’s claims against Republic for these constituents are precluded.
3. The facts of the case and the Clean Water Act’s penalty factors

demonstrate that no additional penalty should be assessed on Republic beyond those already assessed by PADEP for past exceedances of boron and osmotic pressure.

Pursuant to Local Rule 7.1, the undersigned certifies that she sought concurrence in this motion from Plaintiff's counsel, who declined to concur with the above arguments. Republic is therefore presenting these issues to this Court for resolution.

WHEREFORE, for the reasons stated in the Memorandum of Law, Defendant requests that judgment be entered in its favor and against LSRA and that this action be dismissed with prejudice.

Dated: September 16, 2024

Respectfully Submitted,

/s/ **P. Leigh Bausinger**

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*Attorneys for Defendant  
Republic Services of Pennsylvania, LLC*

## CERTIFICATE OF SERVICE

I hereby certify that on September 16, 2024, a copy of the foregoing MOTION FOR SUMMARY JUDGMENT was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

Dated: September 16, 2024

Respectfully submitted,

/s/ *P. Leigh Bausinger*

Bonnie A. Barnett

P. Leigh Bausinger (*pro hac vice*)

Antoinette M. Snodgrass (*pro hac vice*)

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